

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

NATHAN DUGAS

CASE NO. 2:22-CV-03094

VERSUS

JUDGE JAMES D. CAIN, JR.

INTEGON NATIONAL INSURANCE CO MAGISTRATE JUDGE KAY

MEMORANDUM RULING

Before the Court is a “Motion to Dismiss Plaintiff’s Complaint for Failure to State a Claim Pursuant to Federal Rule of Civil Procedure 12(B)(6)” (Doc. 17) filed by Defendant Integon National Insurance Company (“Integon”). The record reflects that Plaintiff, Nathan Dugas, through counsel, has filed a “Notice of No Opposition to Defendant’s Motion to Dismiss Plaintiff’s Complaint for Failure to State a Claim Pursuant to Federal Rule of Civil Procedure 12(B)(6).”¹

INTRODUCTION

On or about August 27, 2020, Hurricane Laura made landfall near Lake Charles, Louisiana allegedly causing damage to Plaintiff’s home. During the relevant time period Plaintiff’s home was subject to a mortgage by MGC Mortgage, Inc. (“MGC”). Integon issued a policy to insure the home and named MGC as the insured.

LAW AND ANALYSIS

In its Notice of No Opposition, Plaintiff concedes that he is not listed as a named insured or additional insured in the policy of insurance. Integon asserts that MGC and/or

¹ Doc. 21.

its mortgage services Dovenmuehle, purchased the policy to protect its interest in Plaintiff's residence as the mortgagee.

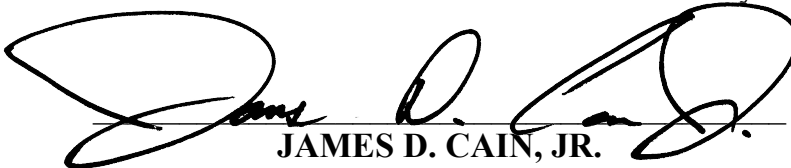
Federal Rule of Civil Procedure 12(b)(6) provides that an action may be dismissed for failure to state a claim upon which relief can be granted. On a motion to dismiss pursuant to Rule 12(b)(6), this Court typically would be limited to the contents of the pleadings, or else the motion may be converted to a summary judgment motion under Federal Rule of Civil Procedure 56. Federal Rule of Civil Procedure 12(d).

The insurance policy at issue is a "lender-placed" or "force-placed" policy designed to protect the lender's interest, not the borrower's or in this case Plaintiff's interest.

CONCLUSION

For the reasons set forth herein, the Court will grant Integon's Motion and dismiss Defendant Integon with prejudice.

THUS DONE AND SIGNED in Chambers on this 20th day of September, 2023.



JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE